

**DRAFT MINUTES**  
**DELTA PROTECTION COMMISSION MEETING**  
**Thursday, November 19, 1998**

**1. Call to Order/Attendance.**

Commissioners present included: Brean, Broddrick, Calone, Curry, Ferreira, Chairman McCarty, Vice Chair Mello, Potter, Rhodes, Salmon, Sanders, and Yates. Commissioners absent included: Barber, Cabaldon, Canciamilla, Harris, McGowan, Nottoli, and Thomson.

**2. Closed Session Regarding Pending Litigation Pursuant to General Code Section 11126 (q)(2) and(3).**

The closed session took place; there was no decision made in the closed session.

**3. Public Comments.**

Jerry Robinson, 3382 Carlin Road, Stockton, said there is a lot of garbage dumped in the Delta along the roads and on the levees. He asked that the Commission assist in developing a response to the need to remove this garbage from private lands.

**4. Minutes of the September 24, 1998 Meeting.**

On a motion by Vice Chair Mello and a second by Commissioner Calone, the minutes were accepted as submitted.

**5. Chairman's Report, Including Report from the Budget, Finance, and Administration Subcommittee Meeting.**

Chairman McCarty announced the next meeting is scheduled for Thursday, January 28, 1999 at 6:30 p.m. in the Jean Harvie Community Center. He said tentatively scheduled for that meeting is introduction of new commissioners, review of the annual report, and review of at least one CALFED Category III project. He noted upcoming public pheasant hunting during November and December on Twitchell Island. He added that two Commissioners were re-elected: Fred Harris as Mayor of the City of Rio Vista and Christopher Cabaldon to the West Sacramento City Council. He thanked Supervisor George Barber and City Councilmember Gloryanna Rhodes for their participation on the Commission.

In his report from the Budget, Finance and Administration Subcommittee, Chairman McCarty noted that the Subcommittee met on October 28, 1998 and reviewed the materials regarding the work plan and the budget. The Subcommittee gave staff guidance on administrative matters associated with the extended sunset date such as the lease; approved the continued every other

month meeting schedule; and dropping the "cancellation" notices for the even numbered months. He said they asked staff to bring additional information about the Teale Contract and the proposed amendments to the Delta Protection Act to the full Commission.

**6. Attorney General's Report.**

The Attorney General had nothing to report.

**7. Executive Director's Report.**

Ms Aramburu reviewed the material in the mailing packet; the materials distributed at the meeting; noted newly released documents including Great Valley Center's report, "Agricultural Land Conservation in the Great Central Valley", October 1998, and the Bay Institute report, "From the Sierra to the Sea: the Ecological History of the San Francisco Bay-Delta Watershed". She noted several grant programs including: Department of Conservation's \$13.7 million stewardship grants for FY 98-99; CALFED's \$75 million for CALFED Ecosystem Restoration Grants in 1999; and North American Wetlands Conservation Act Small Grants Applications for grants up to \$50,000 with priority to new grant applicants. In addition she noted a conference on "Practical Applications for Wildlife and Habitat Management on Farms and Ranches", December 8-9 in Visalia; a new web site for land trusts; and Ducks Unlimited's new \$3 million grant from the Packard Foundation to help bring agriculture and conservation together in the Delta.

**8. Pending Projects Memo.**

Ms Aramburu noted that a number of final documents have recently been released including: the FEIR for the Long-Term Management Strategy (LTMS) for the Placement of Dredged Material in the San Francisco Bay Region, the FEIR on the Montezuma Wetlands Project in Solano County; and the California Water Plan Update, Bulletin 160-98, released by Department of Water Resources.

Commissioner Potter suggested that the Commission receive an update every meeting about the CALFED funded projects and their status, including planning projects.

Chairman McCarty so directed staff.

**9. Final Update on 1998 State Legislation**

Ms Clamurro reviewed the final update on the report on legislature for the last session.

**10. Briefing on Mitten Crabs by Department of Fish and Game Staff.**

Ms Clamurro distributed a memo in Q and A format regarding the mitten crabs and she noted that CALFED has started a new non-invasive species work group which will address the mitten crab.

Kathy Heib, Department of Fish and Game, passed around male and female Chinese mitten crabs. Ms Heib presented a detailed slide show on the life history of the crabs and their impact in the Delta and the State of California. Ms Heib brought a copy of a video of the crabs and left it with the Commission staff. The crab population has exploded since the first crab was found in the South Bay in 1992. The Department has prohibited possession of live crabs. She said the adults live in brackish water; the larvae hatch in winter and are planktonic; in late spring the small crabs migrate upstream to fresh water environments. The yearling crabs live in brackish waters and migrate upstream. The crabs do burrow up to 12" deep; although few burrows have been found in the Delta. This year, hundreds of thousands of small crabs migrated upstream in spring. She said they are good walkers and climbers. The crabs mature at the end of their second year and migrate downstream to spawn in saltier water. The adults crabs only reproduce once and die after spawning. Distribution grew slowly, but in 1998 crabs were found north of Colusa and Marysville, south to Merced County, and now have been found in the aqueduct at Mile 87. The potential distribution is upstream to all major dams. She said there are concerns that the crabs may move into northern estuaries.

There have been many reports that the crabs are in markets and restaurants. Potential impacts include impacts on the invertebrate communities because adults are carnivorous; impacts on crayfish in the Delta and their commercial fishery; impacts on fish eggs and fish larvae, particularly fish that are nest builders and salmonids; impacts to Delta levees; impacts to the state and federal water diversion facilities and their fish salvage facilities; impacts to Bay shrimp fishery; impacts to crops, such as rice; impacts to recreational fishery, such as bait stealing; and impacts to public health due to a lung fluke or due to contaminants in the crab gonads (in Asia the crab is host to a lung fluke; no flukes have been found in crabs in the Delta; crabs should be cooked to avoid problems).

To address the invasion, juveniles could be captured or excluded on the way upstream. In Europe they caught the crabs and made them into hog feed, however, those measures did not curtail the crab population. Predators include large omnivorous fish, large birds, and mammals such as otters. Mitten crabs are good bait for sturgeon. Ms Heib said one approach may be to open up commercial fishing for the mitten crabs, although the market is for live crabs and currently it is not legal to possess live crabs.

Vice Chair Mello asked if the lung fluke could affect otters and raccoons; Ms Heib said yes, it could, however, a snail is required as an intermediary host and no host snails have been located in the Delta. He asked if any species got displaced in Europe; Ms Heib said no, however the waterways were so polluted there may have been few predators.

Commissioner Curry asked about the term catadramous; Ms Heib said it means a species that spawns in salt water and migrates to fresh water. He asked if pike eat the crabs; Ms Heib said anything that eats crayfish will eat the crabs.

Commissioner Ferreira asked if the crabs could be eradicated through a parasite or through sterilization; Ms Heib said there is nothing in the literature about a known parasite and there is discussion of sterilization, but no plan for control at this time.

Commissioner Salmon asked why there was such a dramatic increase in numbers; Ms Heib said there is no direct competition and suggested that the very high water flows allowed the crabs to access areas which would not otherwise be available.

Commissioner Calone asked about food the crabs; do they eat hydrilla; Ms Heib said they would eat a variety of aquatic plants in their young age. Commissioner Calone asked if the crabs are eating weed beds in the West Delta; Ms Heib said she would need more information to respond. She offered to talk to him after the meeting. Ms Heib introduced Tanya Veldhuizen, a graduate student who will be working for DWR and studying the crabs more closely.

Chairman McCarty commented that the crabs could adversely impact attempts to restore shallow water habitat and in-channel islands; Ms Heib said she hoped the population would stabilize at a lower level.

Commissioner Brean asked the density of permanent populations in other areas; Ms Heib said the population is controlled in other areas through commercial fishery.

Commissioner Broddrick said the crabs are not a traditional food in the United States, and there may not be enough money generated from a commercial fishery to offset the economic impacts of the crab. He said the biggest dilemma is that the crab is here and the issue needs to be addressed along with the 212 other exotic species in the Bay and Delta.

Ms Heib said the public must be educated to stop importation of other exotic species.

Commissioner Potter asked at what age do the adult crabs die; Ms Heib said between 1-5 years, but approximately 2 years.

#### **11. Delta as a Separate Tourism Area**

Ms Aramburu reviewed the staff report and the issue raised at the last meeting where the Commission was asked to consider the proposal by the California Delta Chambers and Tourism Bureau's proposal to have the State of California consider the Delta as one area, rather than be divided between three regions. This would apply in public information documents prepared and distributed by the California Travel and Tourism Commission within the Trade and Commerce Agency. Eventually the Delta Chambers would like the Delta designated a separate tourism

region which would make the region eligible for funds to use for tourism-type promotion, however, at this time the Delta Chambers is simply seeking support as a single area. The State Trade and Tourism Commission staff suggested the Delta Chambers seek support for their proposal. She showed the Commission the booklet the Chamber has prepared from its own funding.

Chairman McCarty opened the public hearing.

Craig Lundborg asked the Commission's support.

There were no other comments and the public hearing was closed.

On a motion by Commissioner Ferreira and a second by Vice Chairman Mello, the Commission voted unanimously by voice vote to send the letter supporting the Delta Chambers and Visitors Bureau request.

## **12. Position Regarding New City of Oakley, Contra Costa County**

Ms Aramburu said the incorporation of the new City of Oakley was on the November ballot and was approved by the voters. Oakley will become a City on July 1, 1999. In the Delta Protection Act, specific local governments are listed by name; those local governments must ensure that their general Plans are consistent with the Commission's adopted Land Use and Resource Management Plan for the Primary Zone of the Delta. She reviewed the staff report which outlines three positions which the Commission could adopt.

Chairman McCarty opened the public hearing; there were no speakers; the public hearing was closed.

Commissioner Sanders supported an amendment to the Act which would be more process oriented, which would address the incorporation of the City of Oakley and address any subsequent future incorporations in the Commission's jurisdiction.

Commissioner Broddrick supported Alternative 3, which would address the new City of Oakley and any future incorporations; the broader the language the better.

Chairman McCarty agreed with the idea of including a new process.

Commissioner Brean agreed with the need to ensure that future cities comply with the intent of the legislation.

On a motion by Commissioner Broddrick and a second by Commissioner Brean the Commission voted unanimously by voice vote to amend the Act to include the new City of Oakley and any other new cities which may be incorporated in the future.

### **13. Amendments to the Adopted Budget and Work Plan for FY 98-99**

Ms Aramburu noted that in May, the Commission adopted a budget and work plan for half of FY 98-99. Because the Commission's sunset date has been extended to January 1, 2010, the Commission must hold a public hearing and adopt a revised budget and work plan for all of FY 98-99. The staff report included a number of items: (1) the budget and work plan adopted in May; (2) the Budget Change Proposal for the rest of FY 98-99 ( the amount of money requested is the same as the Commission received last year); (3) a proposal to extend the current Contract with Teale Data Center for Geographic Information System and Web Site Tasks; (4) a request for \$100 Sponsorship of San Francisco Estuary Project Conference (the Commission approved this level of support for the last conference); (5) a description of the Commission's attempts to repay the \$250,000 Loan from the Environmental License Plate Fund as directed in the Delta Protection Act and a draft letter to send on this matter; (6) adds a new planning project assisting in project coordination for a project on Spud Island, working with the landowner to develop an enhancement plan for a channel island, consistent with the Commission's adopted Plan; (7) a proposal to allow staff to negotiate with Department of Fish and Game to provide administration assistance for a study of Reuse of Dredged Material in the Delta (tasks would include: developing a mailing list, preparing meeting notices, and minutes, mailing staff materials, setting up meeting locations, and similar tasks); and (8) add a planning task to prepare supplemental material in support of the Land Use and Resource Management Plan for the Primary Zone, starting with the topics of recreation and environment, to prepare supplemental reports based on the Commission's actions over the last several years. She noted that tasks associated with the Office of Administrative Law would take precedence over other matters.

Ms Aramburu noted that the Budget, Finance and Administration Subcommittee had asked for review of the original contract for the Geographic Information System, tasks completed under that contract, and the current contract. The staff report included the original contracts (one with Teale and one with U. C. Berkeley). Both of those contracts were completed and the funds expended as of June 1997. One new contract with Teale was approved in May 1997 for FY 97-98; that contract was extended for six months until January 1, 1999. She said the staff recommendation is to extend the current contract through the current fiscal year and noted that Randy Moory, director of the GIS program at Teale, was present to answer questions.

Commissioner Calone said he wants to know what is the target of our project, what is the plan to complete the project, with a date certain for submittal of the project. He wants the information printed out to evaluate the Commission's actions. One area of concern is how agriculture has changed in the Delta; what lands have been retired from agriculture and what crops have changed. Ms Aramburu circulated a binder containing a hard copy of all of the information available on the Commission's home page.

Chairman McCarty said the Commission's legislation requires preparation of an annual report which analyzes changes in land use in the Delta, particularly agriculture, wildlife habitat and recreation. He said the Commission hoped to start with soil service data, and electronically

overlay land use patterns, urban encroachment, and recreation areas. These overlays could be changed over time to show changes in the Delta. He said the information would be available on the Internet, so the general public could see changes in land use, and not have to wait for an annual report. He added that Item e would allow the Commission to evaluate projects, such as the Tyler Island conservation easement adjacent to agricultural lands, in anticipation of additional funding pouring into the Delta for habitat restoration. He suggested the Commission take a proactive role in development of an implementation plan as to where habitat restoration is suitable and appropriate. This plan could be shared with federal, state and others entities interested in habitat projects in the Delta. The Commission could prepare a similar plan for needed recreation facilities; where there would be the least conflict between land uses. He noted that the Spud Island project is a private landowner project to enhance habitat, provide recreation, and to provide education. The landowners asked the Commission for assistance in reaching their goals.

Chairman McCarty opened the public hearing.

Randy Moory, Teale Data Center, said all the required tasks in the earlier contract have been completed resulting in a series of maps on the web page. In addition, in the Delta Protection Commission office there is a computer with ArcView software and the raw data layers to use for analysis. He said there is one outstanding task; the parcel data--that work was put on hold due to the Commission's funding problems. He said there is some data that would be helpful to add to the GIS, but that information is not available in digital form; paper data could be digitized but the process is labor intensive and thus expensive. For example, soil survey information is not yet available for all Delta counties. Regarding web-based GIS, that service is available from Teale--again that service is expensive. Teale provides the computers and the software to store data and put it on the web; it requires an application. Teale said CalTrans spent \$500,000 developing this type of application. Teale now has the software to customize the GIS data on the web page.

Commissioner Calone asked for an implementation plan and the cost. Mr. Moory said he could prepare that information after the scope of a project is determined.

Commissioner Yates suggested working with US Department of Agriculture and the Department of Pesticide Regulation to obtain their work in these areas; Department of Food and Agriculture is trying to have the State and federal agencies work together combining data. He asked if Teale could obtain this information; Mr. Moory said he will work with the CERES and other agencies to obtain the developed data. Commissioner Yates said the parcel data should already be available; Mr. Moory said parcel data is available from some, but not all Delta counties. Commissioner Yates said each field is in the Department of Pesticide Regulation data base.

Chairman McCarty said he believes that Bureau of Land Management is updating specific land use information annually, and suggested that the Commission have data which would indicate changes in crop mix; changes in land use; changes to soils; and where urbanization is taking place. He added that the Delta Protection Commission is depending on Teale for assistance, and the Commission's original plan needs to be revisited. He said the next steps should be to revisit the

definition of the Commission's GIS, ask Teale to prepare a work plan, budget and schedule, and have a subcommittee of the Commission recommend a product to the full Commission.

Commissioner Broddrick agreed that there is duplication between agencies, and asked that when the Commission revisits the GIS issue, the Commission must start from a platform which will address oversight of habitat restoration projects in the Delta. He suggested the Commission not look at a program limited by the current budget, but should look to the needs of the Commission to carry out its mandated program over the next ten years.

Chairman McCarty closed the public hearing.

Commissioner Potter added that the DWR Water Plan updated (every 5 years) is based on a statewide land use analysis; he said that the satellite data that is available is not detailed enough for DWR's use; and DWR spends a great deal of money updating each County every seven years. He suggested separating gathering information from the means of displaying the information which has been gathered. He supports working with the existing web page and information system. If the Commission wants to do monitoring and planning based on annual updates, where will the Commission get the information for those annual updates. He suggested the Commission think about how we can get information for an annual update.

Commissioner Yates added that DWR is discovering that USDA is developing data that DWR can also use in its planning program.

Commissioner Potter noted that data gathering programs are not always readily used by other agencies due to data bases and other matters. He added that the Delta Protection Commission, as it relates to CALFED, suggested that the Ad Hoc plan should be brought back to the Commission for review, refinement and adoption.

Chairman McCarty agreed, and added that NHI's role should also be defined.

On a motion by Commissioner Potter and a second by Commissioner Yates, the amendments to the work plan and budget were unanimously approved by voice vote.

Ms Aramburu asked for volunteers to help define the Commission's GIS and web page, and if necessary, the Commission could seek other sources of funding for such a program.

Commissioner Yates suggested contacting John Smith at USDA and Tad Bell at Department of Food and Ag regarding the on-going data coordination group.

#### **14. Possible Amendment to Delta Protection Act.**

Agenda Item #14 was put over to the next meeting due to time constraints.



**15. Commissioner Comments/Announcements.**

Vice Chair Mello announced that the Tyler Island SB 34 project is nearly complete; and the Category III project will go forward next year. He noted it was very easy and quick to obtain the necessary permits.

Commissioner Broddrick said he would make a brief report on Proposition 4, which banned the use of leg hold traps in California.

Commissioner Potter announced this is his last meeting due to the change in Governors and his retirement. He said he has enjoyed his tenure on the Commission; said the Commission's work has been worthwhile, and hoped the Commission would continue that work in the future based on the original goals of the Act. He thanked staff for their support.

Commissioner Curry "gave" Commissioner Potter a "don't get me started" story as a going away gift.

Commissioner Yates noted it is likely that he will be replaced on the Commission in January.

Chairman McCarty expressed the thanks of the Commission to Senator Johnston for the reception before the meeting. He noted Senator Johnston's efforts on behalf of the Commission and his leadership. He added that the Delta Protection Commission's presence in the CALFED process has earned the Commission a place at the table in the overall process, and urged that the Commission, staff, and other interested parties stay engaged and ready to participate. Finally, he thanked all the departing Commissioners for their contributions.

**16. Adjournment.**

The meeting was adjourned at 9:05 p.m.